



## STATE OF WASHINGTON

### PUBLIC DISCLOSURE COMMISSION

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### **COURT DECISION RESTORES AGENCY EDUCATIONAL ROLE**

**Olympia** – Chair of the Public Disclosure Commission, Susan Brady, said she is pleased with today's State Supreme Court ruling upholding the Commission's ability to issue guidance to the public about the state's campaign finance laws.

In a 5-4 decision in Washington Education Association v. Washington State Public Disclosure Commission, the State Supreme Court overturned a July 2002 ruling by King County Superior Court Judge Richard McDermott. Judge McDermott had ruled the PDC document entitled "Guidelines for School Districts in Election Campaigns" was unconstitutional. The Supreme Court wrote in part:

**In sum, the guidelines document is an interpretive statement and not a formally adopted rule or order. The document is meant only to aid and assist in compliance with the law and does not purport to have the effect of law or regulation.**

"This ruling affirms the Commission's right to provide advice and to educate the public about the PDC's laws and rules", Brady said.

One of the laws under the Commission's jurisdiction prohibits the use of public facilities in election campaigns. The law was part of Washington's original campaign finance measure, Initiative 276, which passed in 1972 with 72 percent of the vote. The statute codified common law prohibitions on the use of public facilities to support or oppose campaigns. Through Initiative 276, the voters also created the PDC, a five-member citizens' commission, to implement the campaign finance laws.

Since 1973, the PDC has been educating the public, public school employees, campaigns, and others about the statutory limitations on the use of public facilities to assist campaigns. In August 2001, at the request of school districts, the PDC updated "Guidelines for School Districts in Election Campaigns" as one of its educational efforts.

The guidelines are used much like PDC manuals, brochures, videos, speeches and other mechanisms to explain the law to the public and to campaigns.

The WEA, a union of public school employees, sued the PDC in Superior Court, challenging the constitutionality of the 2001 Guidelines. The WEA alleged that it and its members have an entitlement under the free speech provisions of the federal (First Amendment) and state (Article 1, Section 5) constitutions to use public school facilities to support or oppose political campaigns.

In overturning the King County case today, the State Supreme Court decision allows the Commission to continue providing advice on the long-standing prohibition against using public resources for campaign purposes.

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The case is Washington Education Association v. Washington State Public Disclosure Commission et al, Supreme Court No. 72877-1